

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MOHAMED JOHN AKHTAR and LA BUCA  
RESTAURANT, INC. d/b/a SWING 46 JAZZ  
AND SUPPER CLUB,

Plaintiffs

-against-

ERIC ADAMS, Mayor of the City of New  
York, ROHIT T. AGGARWALA, New York  
City Department of Environmental Protection,  
ERIC I. EISENBERG and JOHN AND JANE  
DOES ONE THROUGH THIRTY,

Defendants

23-CV-6585 (JGLC)(VF)

**ERIC EISENBERG’S OPPOSITION TO PLAINTIFFS’ REQUEST FOR EXTENSION  
OF TIME (D.I. 63)**

Dear Magistrate Judge Figueredo,

I write in opposition to Plaintiffs’ latest request for extension of time, by letter of April 9, 2024.

As I have perhaps droned on about in virtually every one of my filings to date, Plaintiffs have not been following proper procedures throughout the course of this case. Their latest extension request is no exception.

Your Honor’s Individual Rules in Civil Cases, at I(e), require an extension-requesting letter to specify “the number of previous requests for an adjournment or extension.” Plaintiffs did not do so.

Plaintiffs previously requested an extension of time to respond to this motion on February 19, 2024 (D.I. 49) (submitting therewith, as D.I. 50, a document under seal based on a false claim that Plaintiffs were given permission to so-file at D.I. 19). Plaintiffs then blew through the

March 9, 2024 extended deadline that was granted by the Court. (*See* D.I. 60). This Court nonetheless graciously extended Plaintiffs' opposition deadline to April 9, 2024, and the deadline for "Any replies from Defendants" to April 16, 2024. *Id.* At 11:01 PM on April 9, 2024, less than an hour before Plaintiffs' deadline yet again expires, Plaintiffs request yet another extension.

Plaintiffs' attorney has already had ample time to prepare an opposition to the City Defendants' January 26, 2024 motion to dismiss, notwithstanding several days of doctors' office visits relating to one of Mr. Iannarelli's two eyes.

Moreover, the particular extension requested appears tactical, being designed to give Plaintiffs the benefit of reading the undersigned's reply in support of the undersigned's motion to dismiss, currently due on April 16, 2024, (*see* D.I. 60) before Plaintiffs would have to file their opposition on the requested April 17, 2024 date. It would make far more sense to keep the order as it currently exists, with Plaintiffs filing their outstanding opposition prior to the undersigned filing his reply.

I had set aside time this week to review Plaintiffs' opposition to the City Defendant's motion, and to finalize my own reply, including based on the arguments presented. Plaintiffs' last-hour extension requested is interfering with these plans.

Moreover, Plaintiffs' request, which would prevent full briefing of the motions to dismiss prior to the April 30, 2024 remote pre-settlement conference, (or the court's consideration of such full briefing) would also appear to render the scheduled remote pre-settlement conference effectively worthless in promoting informed negotiations.

I have been through a lot thanks to Plaintiffs' conduct since they brought this baseless lawsuit. Despite a warning from Judge Jessica G.L. Clarke to Plaintiffs at D.I. 39 that "no further extensions requested by counsel for Plaintiff that violate this Court's Individual Rules will be granted," Plaintiffs have continued to constantly shift deadlines in this case through their procedural failures. Plaintiff Akhtar has, post-filing, physically attacked me and tried to intimidate me by violently attacking a defenseless dog. Counsel Iannarelli has very recently issued a thinly-veiled threat to file another (baseless) lawsuit because I raised the issue of him being deceptive to this Court. All of this starts to look like an attempt to exploit my relatively fragile PTSD-diagnosed mental state, prevent me from defending myself, and try to extract a settlement from me based on factors other than the merits.

I am concerned that further leniency by this Court will further convince Plaintiffs that they are under no obligation to play by the rules, and can continue ignoring rules, continue

making threats, continue making misrepresentations to this Court, and even continue their physical violence towards me and others.

For these reasons, I respectfully request that Plaintiffs' last-hour April 9, 2024 extension request be denied.

Dated (and executed in): Miami, Florida  
April 10, 2024

Respectfully submitted,

s/ Eric Eisenberg  
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cc: all parties (by ECF)